

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,  
Pennsylvania Department of Corrections;  
CONNOR BLAINE, Superintendent of the  
State Correctional Institution at Greene, and  
JOSEPH P. MAZURKIEWICZ,  
Superintendent of the State Correctional  
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

## Judge Standish

**THIS IS A CAPITAL CASE.**

## ORDER

And now, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of Petitioner's Motion for Summary Judgment on Claims 3 and 1, it is hereby ORDERED that Petitioner's Motion is GRANTED.

BY THE COURT:

Hon. William Standish, J.

Dated: